



Dkt. 0575/58434-A/JPW/AJM/NS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : B. Jack Longley

Serial No. : 09/474,478 Examiner: R. Gitomer

Filed : December 29, 1999 Group Art Unit: 1627

For : METHODS OF USE OF COMPOUNDS WHICH INHIBIT THE STEM CELL SIGNALING PATHWAY

1185 Avenue of the Americas  
New York, NY 10036  
February 18, 2005

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

PRELIMINARY COMMUNICATION AND PETITION  
FOR TWO-MONTH EXTENSION OF TIME

This Preliminary Communication is being filed as a submission with the accompanying Request for Continued Examination ("RCE") in connection with the above-identified application. A Notice of Appeal was filed on October 14, 2004, and the return receipt postcard was dated October 18, 2004, making an Appeal Brief due December 18, 2004. Applicants hereby petition for a two-month extension of time for filing an Appeal Brief. The fee for a two-month extension is TWO HUNDRED TWENTY-FIVE DOLLARS (\$225.00) for a small entity. An Appeal Brief is now due February 18, 2005 and this Communication and RCE are being submitted in lieu thereof. A check for a total amount of SIX HUNDRED TWENTY DOLLARS (\$620.00) is enclosed, which amount includes the \$225.00 extension fee and the \$395.00 RCE filing fee. Accordingly, this application is presently pending, and this Preliminary

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Applicant: B. Jack Longley  
Serial No.: 09/474,478  
Filed: December 29, 1999  
Page 2

Communication and the accompanying RCE papers are being timely filed.

**REMARKS**

Claims 50-57 are pending in the subject applications. No claims have been added, canceled, or amended herein. Accordingly, claims 50-57 are still pending and under examination.

In view of the arguments set forth below, applicants maintain that the Examiner's outstanding rejection has been overcome and respectfully requests that the Examiner reconsider and withdraw same.

**Rejection Under 35 U.S.C. §103(a)**

The Examiner rejected claims 50-57 under 35 U.S.C. §103(a) as allegedly unpatentable over Columbo (J. of Immunology) in view of Mohammadi (Science).

In response to the Examiner's rejection of claims 50-57, applicant respectfully traverses, and maintains that the Examiner has failed to establish a *prima facie* case of obviousness against the rejected claims.

Applicant's traversal is based on the remarks set forth in the July 14, 2004 Communication in response to the April 14, 2004 Final Office Action, which remarks are incorporated herein by reference.

Applicant again maintains that claims 50-57 satisfy the requirements of 35 U.S.C. §103(a).

Applicant: B. Jack Longley  
Serial No.: 09/474,478  
Filed: December 29, 1999  
Page 3

Summary

In view of the remarks made herein, applicants maintain that the claims pending in this application are in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the enclosed \$620.00 fee, is deemed necessary in connection with the filing of this Preliminary Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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John P. White  
Registration No. 28,678  
Alan J. Morrison  
Registration No. 37,399  
Attorneys for Applicants  
Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel No. (212) 278-0400